

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **3:17-bk-14749**

Judge _____

Sojak, Arthur & Sojak, Amanda

Debtor(s)

Chapter **13**

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: **May 30, 2017**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ **1,500.00** per **month** to the Chapter 13 Trustee, starting on **3/01/2017** for approximately **60** months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

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a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Capone & Keefe, PC	Attorney fee	1,750.00

Part 4: Secured Claims**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Toyota Motor Credit Co	2014 Toyota Highlander	37,160.55	28,375.00	0.00	28,375.00	4.75%	29,808.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Nissan Motor Acceptance	2015 Nissan Murano	27,122.00	15,742.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Nissan Finance
Real Time Resolutions
US Bank Home Mortgage

e. Secured Claims to Be Paid in Full Through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*
Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Toyota Motor Credit Co	2014 Toyota Highlander	28,375.00	8,785.55

Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 3/10/2017

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
To include language to surrender the timeshares to Disney Vacation Club and to indicate that Nissan Motor Acceptance would be paid regular payments outside the plan.	

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: May 30, 2017

/s/ Marc Capone

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: May 30, 2017

/s/ Arthur Sojak

Debtor

/s/ Amanda Sojak

Joint Debtor

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 United States Bankruptcy Court
 District of New Jersey

In re:
 Arthur Sojak
 Amanda Sojak
 Debtors

Case No. 17-14749-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 57

Date Rcvd: May 31, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 02, 2017.

db/jdb
 516694526 Arthur Sojak, Amanda Sojak, 63 Mutineer Ave, Barnegat, NJ 08005-1317
 516694527 +American Airlines Fcu, PO Box 619001 MD 2100, DFW Airport, TX 75261-9001
 516694528 Amex, Correspondence, PO Box 981540, El Paso, TX 79998-1540
 516694529 #Avant Credit, Inc- Webbank, 640 N La Salle Dr Ste 535, Chicago, IL 60654-3731
 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, 4161 Piedmont Pkwy, Greensboro, NC 27410-8110)
 516768549 BANK OF AMERICA, N.A., PO BOX 31785, Tampa, FL 33631-3785
 516853006 +BorrowersFirst, Inc., c/o Bankruptcy Processing Solutions, Inc, PO Box 593007,
 San Antonio, TX 78259-0200
 516694530 Borrowersfir, 1114 Lost Creek Blvd, Austin, TX 78746-6300
 516694531 CAP1/Justice, Capital, 1 Retail Services, Salt Lake City, UT 84130
 516823608 CW Nexus Credit Card Holdings 1, LLC, Resurgent Capital Services, PO Box 10368,
 Greenville, SC 29603-0368
 516694532 Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516694533 Capital One Retail Services, PO Box 71106, Charlotte, NC 28272-1106
 516694534 Capital One- BuyPower Card, PO Box 30285, Salt Lake City, UT 84130-0285
 516694535 Cardworks/CW Nexus-Merrick Bank, Attn: Bankruptcy, PO Box 9201,
 Old Bethpage, NY 11804-9001
 516694536 Chase Card, Attn: Correspondence, PO Box 15298, Wilmington, DE 19850-5298
 516694537 Chase Card-Disney, Attn: Correspondence, PO Box 15298, Wilmington, DE 19850-5298
 516694538 Citibank North America-WAWA, Citicorp Credit Svcs/Centralized Bankrup, PO Box 790040,
 Saint Louis, MO 63179-0040
 516694539 Citibank/Exxon Mobil, Citicorp Cr Svcs/Centralized Bankruptcy, PO Box 790040S,
 Louis, MO 63129
 516694540 Citibank/the Home Depot, Citicorp Cr Svcs/Centralized Bankruptcy, PO Box 790040S,
 Louis, MO 63129
 516694541 Citicards Cbna, Citicorp Credit Svc/Centralized Bankrupt, PO Box 790040,
 Saint Louis, MO 63179-0040
 516694542 Comenity Bank/Kingsi/Brylane Home, PO Box 182125, Columbus, OH 43218-2125
 516694543 Comenity Bank/Victoria Secret, PO Box 18215, Columbus, OH 43218
 516694544 Comenitybank/wayfair, Comenity Bank, PO Box 182125, Columbus, OH 43218-2125
 516694547 Disney Vacation Club, 1390 Celebration Blvd, Celebration, FL 34747-5166
 516694548 Disney Vacation Club, Member Services, 1390 Celebration Blvd, Celebration, FL 34747-5166
 516694549 ExxonMobil Credit Card, PO Box 6404, Sioux Falls, SD 57117-6404
 516694550 Fed Loan Seving, PO Box 69184, Harrisburg, PA 17106-9184
 516694552 Furniturebar- Wells Fargo Bank, PO Box 660553, Dallas, TX 75266-0553
 516694553 Genesis Bankcard Svcs, 15220 NW Greenbrier Pkwy Ste 200, Beaverton, OR 97006-5762
 516704892 Nissan, POB 660366, Dallas, TX 75266-0366
 516694556 Nissan Finance, PO Box 660360, Dallas, TX 75266-0360
 516694557 Nissan Motor Acceptance, PO Box 660360, Dallas, TX 75266-0360
 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Co, Toyota Financial Services, PO Box 8026,
 Cedar Rapids, IA 52408-8026)
 516694566 The Home Depot, PO Box 653000, Dallas, TX 75265-3000
 516785823 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516797341 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: U.S. Bank National Association, c/o U.S. Bank Home Mortgage,
 a division of U.S. Bank National Assoc., 4801 Frederica Street, Owensboro, Kentucky 42301)
 516694568 US Bank Home Mortgage, Attn: Bankruptcy, PO Box 5229, Cincinnati, OH 45201-5229
 516694569 Victoria's Secret, PO Box 659728, San Antonio, TX 78265-9728
 516694570 Visa Dept Store National Bank-Macys, Attn: Bankruptcy, PO Box 8053, Mason, OH 45040-8053
 516694571 Xcel Federal Credit Union, 3680 John F Kennedy Blvd, Jersey City, NJ 07307-3108

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 31 2017 23:40:32 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 31 2017 23:40:31 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

516694545 E-mail/PDF: creditonebknofications@resurgent.com May 31 2017 23:36:26 Credit One Bank NA,
 PO Box 98873, Las Vegas, NV 89193-8873

516705548 E-mail/Text: mrdiscen@discover.com May 31 2017 23:40:02 Discover Bank,

Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025

516694546 E-mail/Text: mrdiscen@discover.com May 31 2017 23:40:02 Discover Financial, PO Box 3025,
 New Albany, OH 43054-3025

516694555 E-mail/Text: bnckohlsnotices@becket-lee.com May 31 2017 23:40:07 Kohls/Capital One,
 Kohls Credit, PO Box 3043, Milwaukee, WI 53201-3043

516821655 E-mail/PDF: resurgentbknofications@resurgent.com May 31 2017 23:36:19

LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,

Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

516853619 E-mail/Text: bnc-quantum@quantum3group.com May 31 2017 23:40:26

Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 57

Date Rcvd: May 31, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516694558	E-mail/Text: bkdepartment@rtresolutions.com May 31 2017 23:40:40	Real Time Resolutions,
	Attn: Bankruptcy, PO Box 36655, Dallas, TX 75235-1655	
516694559	E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:07	Synchb/Nautilus, PO Box 103104,
	Roswell, GA 30076-9104	
516694560	E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:28	Synchb/Toys R US, PO Box 965064,
	Orlando, FL 32896-5064	
516696579	+E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:07	Synchrony Bank,
	c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021	
516694561	E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:07	Synchrony Bank/ Jc Penneys,
	PO Box 965064, Orlando, FL 32896-5064	
516694562	E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:18	Synchrony Bank/Care Credit-DICKS,
	PO Box 965064, Orlando, FL 32896-5064	
516694563	E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:28	Synchrony Bank/Lowes,
	PO Box 965064, Orlando, FL 32896-5064	
516694564	E-mail/PDF: gecsedirecoverycorp.com May 31 2017 23:36:28	Synchrony Bank/Qvc,
	PO Box 965064, Orlando, FL 32896-5064	
516694565	+E-mail/Text: bankruptcy@td.com May 31 2017 23:40:34	Td Bank, N.A., Attn: Bankruptcy,
	32 Chestnut St, Lewiston, ME 04240-7799	

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516694551*	++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238	
	(address filed with court: FIA Card Services, PO Box 15019, Wilmington, DE 19886-5019)	
516694554	##Gordon & Weinberg, PC, 1001 E Hector St Ste 220, Conshohocken, PA 19428-2395	
	TOTALS: 0, * 1, ## 1	

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 02, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 30, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marc C. Capone on behalf of Joint Debtor Amanda Sojak mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com
Marc C. Capone on behalf of Debtor Arthur Sojak mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5